

INITIAL STATEMENT OF REASONS
ARTICLE 2.4 DRIVER SAFETY
TELEPHONE HEARINGS

Pursuant to Government Code Section 11440.30, the department has the authority to conduct all or part of a hearing by telephone, television, or other electronic means. The department proposes to amend the California Code of Regulations, Title 13, Chapter 1, Division 1, Article 2.4, concerning Driver Safety Hearings. The intent of the proposed language is to provide guidance and consistency for hearings conducted all or in part by telephone, television, or other electronic means and provide an accurate administrative hearing record.

Section 115.07. Telephone Hearings

The current language is limited to the process of conducting hearings by telephone, television, or other electronic means. The new language specifies that the department may continue the hearing if it cannot be clearly recorded.

Periodically, electronic media causes difficulty in maintaining an accurate administrative record of the hearing due to poor reception, signal failure, or other interruption that may be occurring during the contact.

Implementing the amended language for this section will reduce the potential number of inaccurate and incomplete hearing records. However, the regulation does provide that the hearing be continued in case the audibility of the call is such that it cannot be clearly recorded and provide a complete and accurate record of the hearing.